

GUIDE FOR ELECTION AUTHORITIES



For the

**GENERAL ELECTION
NOVEMBER 4, 2008**

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INTRODUCTION

Prior to the 2004 Presidential Election, the State Board of Elections (SBE) developed and distributed to all Illinois Election Authorities the initial edition of the Illinois Guide for Election Authorities.

This revised Guide for Election Authorities for the November 4, 2008 General Election contains election administration procedures required by the Help America Vote Act of 2002 (“HAVA”), and includes recent updates to Illinois state election law. It is designed to assist election officials in implementing federal and state procedures and to provide statewide guidance for the upcoming General Election.

The 2008 Guide begins by presenting a brief introduction to HAVA and focuses on Election Day Procedures, including Pre and Post election procedures, Accessibility issues and Military/Overseas Voting. It is not intended to be an exhaustive recitation of HAVA nor Illinois law, but rather its purpose is to provide another helpful tool for election authorities to use and reference.

In addition, it should be noted that the material in this handbook represents the best understanding and interpretation of election law by the SBE. It should not, however, be considered a definitive legal opinion by the agency. In the case of any unresolved questions requiring legal interpretation, election authorities should consult with their own state’s attorneys or board's attorney.

We hope that you find this publication useful and informative.

HAVA

The Help America Vote Act (42 U.S.C. 15301 et seq.) ("HAVA") passed in October 2002, imposed new election requirements on states and called for the upgrading of voting systems. It is the result of Congress' response to the controversies surrounding the November 2000 election, and was passed after months of debate and review of numerous published studies. In its final form, HAVA presents major changes in election administration.

HAVA is an aggressive effort on behalf of the federal government to improve the electoral process. Historically, election administration has been a state responsibility; however HAVA has altered this relationship in a significant way. While Congress determined that states would be responsible for the implementation of HAVA and that all federal monies would flow directly to the states, local election jurisdictions were required to change voting systems and adopt election reform measures to receive the federal dollars.

While the federal dollars devoted to HAVA are significant, the amount Congress allocated has never been fully appropriated. The Illinois State Board of Elections continues to disperse its share of the HAVA funding including Health and Human Services funds for accessibility.

VOTER REGISTRATION

Voter registration in Illinois is governed by the following: (1) the Illinois Election Code; (2) the National Voter Registration Act as implemented by Administrative Rule; and (3) the Help America Vote Act.

FORMS

Under the provisions of HAVA (part of which was codified into Illinois law by Public Act 93-0574), a person who registers in Illinois using an Illinois Mail Registration form must answer the questions: (1) "Are you a citizen of the United States?", and (2) "Will you be 18 years old on or before election day?" If the applicant answers "NO" to either question, the form indicates that the applicant should not complete the form. If the applicant does not answer either question, the election authority must notify the applicant that the form is incomplete and provide him/her an opportunity to complete the form.

Public Act 93-574 imposed additional requirements for the forms. The SBE is required to provide an internet registration form (same form as the mail registration form, SBE form R-19) in both English and Spanish that can be mailed or delivered by the applicant either to the SBE or the applicant's election authority. Election authorities may also design and print their own registration forms as long as the requirements of 10 ILCS 5/1A-16 are met. All registration forms, whether created by an election authority, internet-based or the duplicate or triplicate forms provided in the Election Code must include a space for the voter to include either an Illinois Driver's License ID number or the last four digits of the applicant's Social Security Number. The new forms must also have a space for a person without a Driver's License or a Social Security Number to provide a Secretary of State ID number. If the voter has none of the prescribed ID numbers, he/she must so indicate and the state will assign this voter a unique identifier.

The SBE, election authorities and designated agencies must provide any member of the public "with any reasonable number of forms that he or she may request." In addition, election authorities must provide any additional forms requested by a deputy registrar regardless of how many unaccounted forms he/she may have in his/her possession.

[10 ILCS 5/4-6.2, 5-16.2, 6-50.2]

Any registered voter who changes his or her name, by marriage or otherwise, shall be required to register anew and authorize the cancellation of the previous registration; however, if the voter still resides in the same precinct the elector may, if otherwise qualified, vote upon making an affidavit at the polling place attesting that the voter is the same person who is registered to vote under his or her former name. The affidavit shall be treated by the election authority as authorization to cancel the registration under the former name, and the election authority shall register the person under his or her current name. [10 ILCS 4-16]

PROCESSING REGISTRATION FORMS

Election authorities are required to accept registration forms that are printed on regular stock or photocopier paper. Forms must be accepted that are:

- (1) Mail registrations that are postmarked on or before the close of registration;
- (2) Mail registrations that are not postmarked, but delivered no later than 5 days after the close of registration;
- (3) Submitted in person on or before the close of registration; or
- (4) Submitted in person on or before the close of registration by a person who submits forms on behalf of others.

Forms that are delivered to the SBE must be date-stamped and forwarded to the appropriate election authority within 2 business days of receipt.

ID REQUIREMENTS

The other new provision that HAVA introduces into the voter registration procedures is the requirement that individuals who register to vote by mail for the first time in a jurisdiction must provide identification when submitting the registration form. Acceptable forms of identification are either (1) a current and valid photo identification such as a Driver's License or (2) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.

If the registrant does not provide ID when registering, he/she is required to provide ID the first time he/she votes, whether at the polling place; when voting absentee in person or Early Voting by person appearance. If a voter who is required to provide ID when voting the first time cannot provide ID, the voter may cast a provisional ballot. The voter must provide ID to the election authority within 48 hours after the election or the provisional ballot will not be counted.

There are two exceptions to this provision. If the election authority can match the Driver's License number or the last 4 digits of the individual's Social Security Number with an existing State identification record bearing the same number, name and date of birth, the voter will not be required to provide identification when registering or voting. The second exception is for those citizens who are entitled to vote under the Uniformed and Overseas Citizens Absentee Voting Act [42 U.S.C. 1973ff-1(a)(1) & 1973ff(6)(3)] (i.e. members of the military service and spouses or dependents who accompany them on active service and citizens temporarily residing overseas). These individuals do not have to provide copies of identification when registering to vote by mail.

MAIL/ IN PERSON DELIVERY

If the Illinois Voter Registration form is used to register to vote and the registration does not take place at an agency authorized to accept registrations (i.e. Driver's License facility, certain social service agencies), the registration is considered a "mail registration" for purposes of determining which voters must vote in person the first time voting and provide identification. Such agencies that are authorized to register voters provide the service only to those individuals utilizing the primary services of that agency (e.g., obtaining a Driver's License).

This is not the case when an individual or organization downloads forms and distributes them at an event and then collects them. The organization then delivers the forms either to the office of the election authority or the State Board of Elections. Forms that are delivered in bulk to the office of an election authority or State Board of Elections should be treated as mail registrations—the individuals must provide identification and must vote in person the first time. Election authorities should categorize those registrations that they receive by mail from the SBE as "mail registrations" for the purpose of determining which voters must provide ID and vote in person the first time.

The same is true if a deputy registrar uses the Illinois Voter Registration Application, for even though the person is a deputy registrar; he/she is not functioning as one by using this form. This is because he/she has not witnessed the signature and administered the oath required by deputy registrars when registering an individual (using the two or three part registration form). The applicant must either submit copies of ID to be delivered with the form or provide ID when voting in person the first time.

FIRST TIME VOTING

[10 ILCS 5/4-105, 5-105, 6-105]

A person must vote for the first time in person and not by a mailed absentee ballot if the person registered to vote by mail, unless the person first provides the appropriate election authority with sufficient proof of identity and the election authority verifies the person's proof of identity. Sufficient proof of identity shall be demonstrated by submission of the person's driver's license number or State identification card number or, if the person does not have either of those, verification by the last 4 digits of the person's social security number, a copy of a current and valid photo identification, or a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the person's name and address. Persons who apply to register to vote by mail but provide inadequate proof of identity to the election authority shall be notified by the election authority that the registration has not been fully completed and that the person remains ineligible to vote by mail or in person until such proof is presented.

GRACE PERIOD REGISTRATION AND VOTING

[10 ILCS 5/4-50, 5-50, 6-100]

Each election authority shall establish procedures for the registration of voters and for change of address during the period from the close of registration for a primary or general election and until the 14th day before either election. During this grace period, an unregistered qualified elector may register to vote, and a registered voter may submit a change of address form, in person in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. The election authority shall register that individual, or change a registered voter's address, in the same manner as otherwise provided by Articles 4, 5 & 6 of the Election Code for registration and change of address.

If a voter who registers or changes address during this grace period wishes to vote at the first general or primary election occurring after the grace period, he or she must do so by grace period voting, either in person in the office of the election authority or at a location specifically designated for this purpose by the election authority, or by mail, at the discretion of the election authority. Grace period voting shall be in a manner substantially similar to voting under Article 19; Voting by Absent Electors.

Within one day after a voter casts a grace period ballot, the election authority shall transmit the voter's name, street address, and precinct, ward, township, and district numbers, as the case may be, to the State Board of Elections, which shall maintain those names and that information in an electronic format on its website, arranged by county and accessible to State and local political committees. The name of each person issued a grace period ballot shall also be placed on the appropriate precinct list of persons to whom absentee and early ballots have been issued, for use in the precinct polling places.

A person who casts a grace period ballot shall not be permitted to revoke that ballot and vote another ballot with respect to that primary or general election. Ballots cast by persons who register or change address during the grace period must be transmitted to and counted at the election authority's central ballot counting location and shall not be transmitted to and counted at precinct polling places. The grace period ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

ABSENTEE BALLOTS - Time and place of counting ballots
[10 ILCS 5/19-8]

1. Each absent voter's ballot returned to an election authority, by any means authorized by Article 19, and received by that election authority before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the central ballot counting location of the election authority after the polls close on the day of the election.
2. Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.
3. Special write-in absentee voter's blank ballots returned to an election authority, by any means authorized by Article 19, and received by the election authority at any time before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same period provided for counting absent voters' ballots under numbers 1, 6 & 6(e). Special write-in absentee voter's blank ballots that are mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same periods provided for counting absent voters' ballots under number 2.
4. Except as otherwise provided in this Section, invalid or uncounted absent voters' ballots and special write-in absentee voter's blank ballots received by the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving them with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at the election, and shall then, without being opened, be destroyed in like manner as the used ballots of that election.
5. Counting required under this Section shall begin after the polls close on Election Day. The counting shall continue until all absent voters' ballots and special write-in absentee voter's blank ballots required to be counted on Election Day have been counted.

6. The procedures set forth in Articles 17 and 18 of the Election Code shall apply to all ballots counted as absentee. In addition, within 2 days after an absentee ballot, other than an in-person absentee ballot, is received, but in all cases before the close of the period for counting provisional ballots, the election judge or official shall compare the voter's signature on the certification envelope of that absentee ballot with the signature of the voter on file in the office of the election authority. If the election judge or official determines that the 2 signatures match, and that the absentee voter is otherwise qualified to cast an absentee ballot, the election authority shall cast and count the ballot on election day or the day the ballot is determined to be valid, whichever is later, adding the results to the precinct in which the voter is registered. If the election judge or official determines that the signatures do not match, or that the absentee voter is not qualified to cast an absentee ballot, then without opening the certification envelope, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot. In addition to the voter's signatures not matching, an absentee ballot may be rejected by the election judge or official:

- (a) if the ballot envelope is open or has been opened and resealed;
- (b) if the voter has already cast an early or grace period ballot;
- (c) if the voter voted in person on election day or the voter is not a duly registered voter in the precinct; or
- (d) on any other basis set forth in the Election Code.

If the election judge or official determines that the ballot should be rejected for any of these reasons, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

(e) If an absentee ballot, other than an in-person absentee ballot, is rejected by the election judge or official for any reason, the election authority shall, within 2 days after the rejection but in all cases before the close of the period for counting provisional ballots, notify the absentee voter that his or her ballot was rejected. The notice shall inform the voter of the reason or reasons the ballot was rejected and shall state that the voter may appear before the election authority, on or before the 14th day after the election, to show cause as to why the ballot should not be rejected. The voter may present evidence to the election authority supporting his or her contention that the ballot should be counted. The election authority shall appoint a panel of 3 election judges to review the contested ballot, application, and certification envelope, as well as any evidence submitted by the absentee voter. No more than 2 election judges on the reviewing panel shall be of the same political party. The reviewing panel of election judges shall make a final determination as to

the validity of the contested absentee ballot. The judges' determination shall not be reviewable either administratively or judicially.

An absentee ballot as described in paragraph (e) above that is determined to be valid shall be counted before the close of the period for counting provisional ballots.

(f) All absentee ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

7. Each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges or election officials therein assigned.

EARLY VOTING BY PERSONAL APPEARANCE

[10 ILCS 19A]

During the early voting period if a request is made to vote early by a registered voter in person, the election authority shall issue a ballot for early voting to the voter. The ballot must be voted on the premises of the election authority, **except as otherwise provided in Article 19A of the Illinois Election Code**, and returned to the election authority immediately upon completion of voting the early ballot.

An election authority may establish permanent polling places for early voting by personal appearance at locations throughout the election authority's jurisdiction, including but not limited to a municipal clerk's office, a township clerk's office, a road district clerk's office, or a county or local public agency office. Except as otherwise provided, any person entitled to vote early by personal appearance may do so at any polling place within the election authority's jurisdiction established for early voting.

Period for early voting/hours.

The period for early voting by personal appearance begins the 22nd day preceding a general primary, consolidated primary, consolidated, or general election and extends through the 5th day before Election Day.

A permanent polling place for early voting must remain open during the hours of 8:30 a.m. to 4:30 p.m., or 9:00 a.m. to 5:00 p.m., on weekdays and 9:00 a.m. to 12:00 p.m. on Saturdays, Sundays, and holidays.

Temporary branch polling places.

In addition to permanent polling places for early voting, the election authority may establish temporary branch polling places for early voting.

Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by that are determined by the election authority.

Pollwatchers.

Pollwatchers may be appointed to observe early voting at each permanent and temporary polling place where early voting is conducted. Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the early voting, provided the secrecy of the ballot is not compromised.

For early voting, each candidate, political party, or organization of citizens authorized by Section 17-23 of the Election Code may appoint only one pollwatcher for each location where early voting is conducted. Pollwatchers must be registered voters in Illinois and possess valid pollwatcher credentials.

PRE-ELECTION BALLOT REQUESTS

Public Act 094-0645 which amends Section 19 of the Election Code (10ILCS 5/19-4), requires the SBE to post absentee voting information in an electronic format on a secure website. Public Act 094-1000 (SB 1445) adds early voter and grace period ballots to this requirement. Election authorities must transmit this information to the State Board of Elections (SBE) within one day after posting in their office. The SBE maintains that information in an electronic format arranged by county and accessible to State and local political committees.

The SBE has defined a standard, electronic format for submission of pre-election ballot requests via the secure Illinois Voter Registration Services (IVRS) website. (Please refer to the new Input Specification located on the IVRS website.) You will notice that, along with the addition of the “Early Voter” and “Grace Period” types, we have also added “Non-Resident Civilian” as a type and have also added two more lines in the “Send To Address”.

Along with the Input Specification for electronic submission, the SBE has made available on the IVRS website for download, a Microsoft Access database or an Excel spreadsheet that will assist with exporting the data in the standard format. Jurisdictions not wishing to upload the data in one of the required formats may also opt to enter data manually on pages provided in the IVRS website.

Please contact Kyle Thomas at 217-782-1590 for questions regarding the IVRS website or the Pre-Election Ballot Request program.

ILLINOIS VOTER INFORMATION

Polling Place Hours - 6 a.m. to 7 p.m.

First Time Voters Who Registered by Mail

If you register by mail, you must vote in person the first time, either at the polling place, in-person absentee or early voting, unless you submit with your mail-in registration form your driver license number or state ID number, the last four digits of your social security number, or one of the forms of ID listed below. Voters voting under the provisions of UOCAVA and the Voting Accessibility for the Elderly and Handicapped Act do not have to vote in person for the first time after having registered by mail. (HAVA 303[b][2][c]).

- A current and valid photo identification
- Utility bill
- Bank statement
- Government check
- Paycheck
- Government document

The above listed forms of ID must show your name and address and must be presented to the election officials before being permitted to vote. If you do not present a required form of identification either at the time of submitting your mail-in registration or at the time of voting, you may vote a Provisional Ballot.

Voting Rights

- ✓ Voters whose names do not appear on the poll list, or are unable to comply with the identification requirements for mail-in registrants, are entitled to vote by provisional ballot if they declare they are registered to vote in the jurisdiction and eligible to vote in the election.
- ✓ Voters who vote by provisional ballot are entitled to written information describing how they may learn, through a free access system, whether their provisional ballot was counted by election officials, and if it was not counted, why not.
- ✓ Voters who vote after the established time for polls to close due to a court order requiring the polls to remain open for extended hours will have to vote by provisional ballot (unless those voters were in line at the time polls closed).
- ✓ Voters whose voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges may vote provisionally.

- ✓ Voters who are registered to vote and who have moved within their election authority's jurisdiction more than 30 days before an election for federal office may vote in that election (for federal offices) under the failsafe procedures set forth in NVRA. Such voters must vote in the polling place for the residence from which the voter most recently registered even if they did not advise the election authority of the move.
- ✓ Voters who have submitted to the appropriate election authority (either in-person or by mail) their completed registration application by the close of registration as permitted by state law, and such registration application has been determined to be valid by the election authority, are entitled to be registered and to vote in that election.
- ✓ Voters are entitled to notice of the disposition of their voter registration application.
- ✓ Voters who are otherwise qualified to vote may be entitled to register and vote absentee in an election if they are in the military or are residing overseas.
- ✓ Voters in jurisdictions with a statutorily-specified minimum number of voters who speak a primary language other than English may be entitled to receive a ballot or other election materials or assistance in a language other than English.
- ✓ Voters who require assistance in voting due to blindness, disability or inability to read or write may receive assistance from a person of the voter's choice other than the voter's employer or union (or agent thereof).
- ✓ Voters who are confined or detained in a jail or prison pending a trial of a crime are not disqualified from voting. Such confinement or detention is a specified reason for absentee voting.
- ✓ Jurisdictions must not apply standards or practices which deny or abridge the right to vote in violation of the U.S. or Illinois constitution (denial on the basis of race, religion, gender, etc.).
- ✓ Jurisdictions must take steps to make the registration and voting process accessible to the elderly and to individuals with disabilities.
- ✓ Persons must not intimidate, threaten or coerce any other person for registering or voting; for urging or aiding persons in registering or voting; for purposes of interfering or influencing how a person chooses to vote; or for purposes of preventing a person from voting.
- ✓ Election officials must not unlawfully fail or refuse to permit a person to vote who is entitled to vote and must not refuse to tabulate, count and report such person's vote.
- ✓ Election officials must retain and preserve for 22 months after any election that includes a federal candidate all records and papers relating to registration and voting in that election.

Prohibited Acts of Fraud and Misrepresentation

- ✓ Persons must not make any false statement or falsely claim that they are citizens of the United States in order to register or vote in any Federal, State, or local election.
- ✓ Persons must not vote more than once in any election (note: this does not include voting a replacement ballot after a spoiled ballot was invalidated).
- ✓ Persons must not procure or submit materially false, fraudulent or fictitious voter registration applications in any election.
- ✓ Persons must not submit false information as to name, address or period of residence in a voting district for the purpose of establishing eligibility to register or vote in any election.
- ✓ Persons must not procure, cast or tabulate materially false, fraudulent or fictitious ballots in any election.
- ✓ Persons must not pay, offer to pay or accept payment for voting, registering to vote, withholding their vote, or voting for or against any candidate in any election.

Violation of Voting Rights

- ✓ If you have witnessed efforts to commit any kind of fraud or corruption in the voting process, you may report this to your local United States Attorney's Office, the nearest office of the Federal Bureau of Investigation, the Illinois State Board of Elections complaint hotline at 1-866-513-1121, the Illinois Attorney General's office, your local State's Attorney Office or the office of your election authority.
- ✓ The administrative complaint procedure applies to alleged violations of Title III of the Help America Vote Act of 2002. Any alleged violation(s) of Title III that have occurred, is occurring, or is about to occur may be reported to the Illinois State Board of Elections. Alleged violations under Title III include, but are not limited to, voting systems standards, accessibility for those persons with disabilities, and voter registration violations.
- ✓ If you have witnessed actual or attempted acts of discrimination or intimidation in the voting process, you may report this to the Civil Rights Division of the United States Department of Justice at 1-800-253-3931.

(This section is available in a one page format and can be downloaded from the SBE website)

POLLWATCHERS
[10 ILCS 5/7-34; 5/17-23; 5/19-10; 5/20-10]

Candidates, political parties, civic organizations, and organized groups of proponents and opponents of a proposition on the ballot are entitled to have pollwatchers present at the polling place. Pollwatchers may be present to observe the conduct of the election before the polls open, during the day, and after the polls close.

POLLWATCHER QUALIFICATIONS

All pollwatchers must be registered voters in the State of Illinois. All pollwatchers must have valid pollwatcher credentials issued by the election authority. Each pollwatcher must have separate pollwatcher credentials for each precinct he or she enters.

CANDIDATE QUALIFICATIONS

The actions of candidates in the polling place are governed by the same privileges and limitations that apply to pollwatchers. **All candidates must have proper candidate credentials.**

POLLWATCHER CREDENTIALS

Each pollwatcher must surrender his or her credentials to the judges when he or she enters the polling place. If an individual refuses to surrender his or her credentials, or if the credentials are not valid, the individual must leave. All credentials remain in the possession of the judges and are returned to the election authority after the polls close.

In order to be valid, pollwatcher credentials must contain the following information:

1. The real or facsimile signature of the election authority;
2. The real or facsimile signature of the candidate, state or local party chairman, the presiding officer of a civic organization, the chairman of a group of proponents for or opponents to a proposition (whichever applies);
3. The signature and address of the pollwatcher; and
4. A statement that the pollwatcher is registered from the address shown.

NUMBER OF POLLWATCHERS

The number of pollwatchers allowed in the polling place at any given time is limited by law. Individuals acting as pollwatchers may come and go throughout the day as long as they do not interfere with the election process. In addition, pollwatchers may be

substituted during the course of the day as long as the number of pollwatchers in the polling place does not exceed the number allowed by law.

If the polling place becomes overcrowded with pollwatchers and the situation interferes with the conduct of the election, a majority of the judges may decide to limit the number of pollwatchers by drawing lots. However, at least one pollwatcher for candidates, political parties, civic organizations and organized groups of proponents for and opponents against a proposition must be allowed to remain in the polling place.

NUMBER OF POLLWATCHERS ALLOWED IN EACH POLLING PLACE AT ANY GIVEN TIME		
APPOINTING AUTHORITY	PRIMARY ELECTION	GENERAL ELECTION
CANDIDATE	TWO	TWO
POLITICAL PARTY	ONE	TWO
QUALIFIED CIVIC ORGANIZATION	ONE	ONE
PROPONENTS AND OPPONENTS OF A BALLOT PROPOSITION	ONE	ONE

RIGHTS OF POLLWATCHERS

Before the polls open, pollwatchers may observe the set-up procedures and check that the ballot box is empty.

During the day, pollwatchers have a right to be near the judges so that they may visually examine the voter's application to vote, the comparison of the signature and address on the application with that on the signature verification record, to watch the judge or voter feed the ballot sheet into the tabulating equipment, (they may not inspect the voted ballot), to challenge a person's right to vote and to observe the general conduct of the election. Pollwatchers may also observe as the judges periodically inspect the voting booths to make certain that the booths are clear of campaign literature.

After the polls close, pollwatchers may observe the procedures for counting write-in votes. They may remain in the polling place until all other procedures and processes are completed. After the polls close, pollwatchers may leave and re-enter only in case of necessity.

At no time may any pollwatcher be so close to the judges that the pollwatcher interferes with the orderly conduct of the election. Pollwatchers are not allowed to touch any election supplies or materials. A pollwatcher may courteously call the judges' attention to any incorrect procedures or apparent violations of the Election Code.

All pollwatchers shall be permitted to observe all "reasonably requested" records, provided that the secrecy of the ballot is not compromised.

A reasonable number of pollwatchers shall be admitted to the central counting location. Pollwatchers may observe the absentee, grace period and early voting tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the SBE shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

[10 ILCS 5/24A-13, 24B-13, 24C-14]

Pursuant to state law, pollwatchers are entitled to be present at the counting of the provisional ballots.

CAMPAIGN FREE ZONES
[10 ILCS 5/19-2.2; 5/17-29; 5/7-41]

A campaign free zone is that area in which no electioneering may be conducted nor any advertising pertaining to any candidate or proposition to be voted upon shall be displayed. The campaign free zone is made up of the polling room and the distance within 100 horizontal feet of any such room. Any person who violates this section may be punished as for contempt of court.

Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room.

If the polling room is located within a building that is a private business, a public or private school, or church building (or other organizations founded for religious worship) and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building.

If the polling room is located within a building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room.

If the polling room is located in a building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 horizontal feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located.

The area within the markers shall be known as a campaign free zone, and within these boundaries, electioneering is prohibited. The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on Election Day. However, at the option of a church or private school the entire property of the church or school may be a campaign free zone. Persons shall have the right to congregate and engage in electioneering on any polling place property, beyond the campaign free zone, while the polls are open. Electioneering includes, but is not limited to, the placement of temporary signs.

* * * * *

Frequently Asked Questions Regarding Campaign Free Zones and Suggested Answers

1. If the 100 feet ends in the middle of the parking lot of the building used as a polling place, can campaign workers hand out literature in the parking lot?

Yes. The area beyond the markers or cones is open for electioneering, including the placement of temporary signs.

2. Do these provisions apply to the office of the election authority or the municipal, township or road district clerk when absentee voting is being administered?

The provisions specifically apply to the office of the election authority. Section 5/19-2.1, which provides for absentee voting in the office of municipal, township and road district clerks, was not amended to require the placement of cones or markers during the period when absentee voting is conducted in those offices.

3. If the office of the election authority has 3 entrances, from where is the 100 feet measured?

The safest counseling point is to designate one entrance for absentee voting and measure the 100 feet from that door.

4. The polling place is in the hallway to the gym. The door to the gym is an outside door. Measuring 100 feet from this door ends in the adjoining neighbor's yard. Where is the sign placed?

This legislation creates a campaign free zone within 100 feet of the polling place on that property. If the 100 feet ends beyond the polling place property, there is no requirement to place cones or markers on the neighbor's property.

5. A municipality has an ordinance that prohibits any type of solicitation. Doesn't that mean that electioneering is prohibited in this municipality on Election Day?

No. Public Act 93-0754 specifies that its provisions relating to electioneering supersedes any "ordinance or local law".

6. One-hundred (100) feet from the door to the room where absentee voting will be conducted in the courthouse is in the middle of the traffic lane entrance for the building's parking. Is the clerk required to place the cone in a traffic lane?

To address safety concerns, the practical counseling point would be to place the cone at the nearest point beyond the 100 feet outside of the traffic lane.

7. One of the churches that is used for a polling place does not allow any signs or solicitation on church property. Because this is a privately owned building, don't they have that right?

Under the provisions of Public Act 93-0847, a church or private school has the option to not allow electioneering or soliciting of votes on any of the property of that church or private school that is a polling place.

PROVISIONAL BALLOTS

WHO MAY VOTE A PROVISIONAL BALLOT

A person who claims to be a legally qualified registered voter in the precinct in which he seeks to vote, is entitled to cast a provisional ballot under one of the following four circumstances:

- the person's name does not appear on the official list of eligible voters, that is, the Statewide voter registration list mandated by 10 ILCS 5/1A-25, for the precinct in which the person seeks to vote [Section 302(a) of HAVA; 10 ILCS 5/18A-5];
- the person's voting status has been challenged by an election judge, a poll watcher, or any legal voter and that challenge has been sustained by a majority of the election judges [Section 302(a) of HAVA; 10 ILCS 5/18A-5];
- the voter did not provide identification when he/she registered by mail and cannot provide identification on Election Day [Section 303(b)(i) & (ii) of HAVA]; or
- a federal or state court order extends the time for closing the polls beyond the time period established by state law and the person votes during the extended time period [Section 302(c) of HAVA; 10 ILCS 5/18A-5].

PROCEDURES FOR CASTING A PROVISIONAL BALLOT

An election judge shall notify a person that he or she is entitled to vote a Provisional ballot in the following manner:

- If the person's residence address is outside the precinct boundaries, the election judge shall inform the person of that fact, give the person the appropriate telephone number of the election authority in order to locate the polling place assigned to serve that address, and instruct the person to go to the proper polling place to vote.
- The person shall be provided an "Application to Vote," a "Provisional Voter Affidavit," a "Provisional Ballot Envelope," the correct ballot, and written instructions. If it is uncertain as to what ballot style to give the voter, judges should contact their election authority. [10 ILCS 5/18A-5]
- The election judge shall sign the affidavit and check a box on the affidavit that states which of the four reasons the person was given a provisional ballot. The original affidavit will be placed in the self-adhesive, clear plastic packing envelope that is attached to the separate "Provisional Voter Envelope," with a copy of the completed affidavit to be given to the voter. [10 ILCS 5/18A-5]

- The election judge must accept and place in this clear packing area of the envelope any information (provided by a person who casts a Provisional ballot) that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election. [10 ILCS 5/18A-5]
- The voter will vote the ballot, place it in the “Provisional Ballot Envelope,” seal the envelope, and return it to the election judges. All “Provisional Ballot Envelopes” (with the clear plastic envelope attached) will be deposited into a separate securable container identified and utilized for sealed provisional ballots only. [10 ILCS 5/18A-5]
- The written instructions provided to the voter shall state how, after the election, the voter may determine if his or her ballot was counted, or if the provisional vote was not counted, the reason that it was not counted. [Section 302(a)(4) of HAVA; 10 ILCS 5/18A-5(b)(5)]
- Upon the closing of the polls, this unopened, sealed, securable container containing the provisional ballots will be returned to the election authority along with the other election supplies. [10 ILCS 5/18A-5(b)(6)]
- Ballots that are provisional because they were cast after 7:00 p.m. by court order shall be kept separate from other provisional ballots.

Make sure provisional ballots are NOT inserted into vote tabulator.

CENTRAL TABULATION

PA 94-1000 requires that all grace period ballots, early voting ballots, absentee ballots, and provisional ballots are to be delivered to and counted at an election authority's central ballot counting location and not in precincts. It is recommended that each election authority establish procedures for central tabulation and that they be reviewed by your respective State's Attorney or legal counsel. Election authorities may consider utilizing the same procedures utilized by election judges at the polls when tabulating centrally. Ballots determined to be valid and centrally tabulated shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

Each absent voter's ballot returned to an election authority by any authorized means and received by the election authority before the closing of the polls on Election Day shall be counted in the central ballot counting location on the day of election after 7PM.

Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.

PROVISIONAL BALLOT SCENARIOS AND SUGGESTED ANSWERS

1. If a person cast a provisional ballot because he was a mail registrant and he didn't provide ID within the 2 day deadline, is the ballot rejected?

Yes. A mail registrant, who did not submit ID with the voter registration application, did not submit the ID at the polling place and did not take the opportunity to submit the ID to the EA within the 2 days shall have his ballot rejected.

2. If a challenged voter provides no supporting information within 2 days, does the election authority automatically follow the decision of the judges and reject the ballot?

Information provided by the election judges and decisions made by the judges are significant; however, the election authority should exercise its own judgment based on the totality of the circumstances.

3. Public Act 93-0574 (SB 428) indicates that the Provisional Voter Affidavit is used as a registration application only if the ballot isn't counted. If the county database has no record of the voter, but the Secretary of State's database has a "Y" in the block for the person as being registered, should the ballot be counted? If so, unless they use the provisional affidavit as a registration application or send the person a mail registration, there won't be a registration record in the office of the election authority for this person.

If the SOS database indicates the person is registered, the ballot should be counted. Process the Provisional Voter Affidavit as a registration application.

Note: This is a hole in the statute. Not to count the ballot when the Secretary of State's database indicates the individual is registered disenfranchises the voter; and 18A-15(b)(3) directs the clerks to look to the records of the SOS. However, there is no provision in P.A. 93-0574 (SB 428) that is directly on point in terms of after allowing the vote to count then directing that the Provisional Voter Affidavit be treated as a registration application. However, Public Act 93-0574 (SB 428) allows the county clerk or board of election commissioners to use the completed affidavit form to update the person's voter registration information. Additionally, SB 428 directs county clerks and Boards of Election Commissioners to process the affidavits as a voter registration application where the person is determined not to be a registered voter. These provisions, combined with the following language from P. A. 93-0574 evidences a legislative intent which leaves no doubt that the legislature would want this person's vote counted and the Provisional Voter's Affidavit treated as a registration application:

" . . . In a case where the above information equally supports or opposes the registration status of the voter, the county clerk or board of election commissioners shall decide in favor of the provisional voter as being duly registered to vote. If the statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is registered to vote, but the county clerk's or board of election

commissioners' voter registration database indicates that the provisional voter is not registered to vote, then the information found in the statewide voter registration database shall control the matter and the provisional voter shall be deemed to be registered to vote. If the records of the county clerk or board of election commissioners indicates that the provisional voter is registered to vote, but the statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is not registered to vote, then the information found in the records of the county clerk or board of election commissioners shall control the matter and the provisional voter shall be deemed to be registered to vote. . ."

4. A voter was on the inactive list because the notices the election authority sent out were returned as undeliverable. The judges gave him a provisional ballot affidavit, but gave him a Federal only ballot. The affidavit lists the address that the clerk made him inactive at. What should be done with this voter's status?

The voter should remain inactive and the election authority should follow the voter purging procedures contained in NVRA and SBE rule.

5. Pollwatchers are allowed to view the procedure for counting provisional ballots. Do they need special credentials or can they use the same credentials employed on Election Day?

Election credential forms are sufficient.

6. Is notice required of the dates for validating and tabulating provisional ballots? There is no specific requirement in Public Act 93-574. Should notice be posted at the entrance of the office of the election authority?

Notice is not mandated; however, there is nothing wrong with giving too much notice. The safest counseling point would be to post a notice at the entrance to the election authority's office.

7. Since unofficial precinct results are posted should the provisional results be posted?

Again, there is no statutory requirement for such posting.

PROCEDURES FOR VALIDATING AND TABULATING PROVISIONAL BALLOTS
[42 U.S.C. 15482; 10 ILCS 5/18A-15]

DETERMINING VALIDITY OF PROVISIONAL BALLOT

NOTE: Provisional ballots shall be counted at the election authority's central ballot counting location.

Three criteria must be met before tabulating a provisional ballot:

- 1) The voter cast the provisional ballot in the correct precinct (the precinct in which the voter is registered), based on the address provided by the voter;
- 2) The Provisional Voter Affidavit has been completed;
- 3) The provisional voter is a registered voter based on information from any of the following sources:
 - (a) the voter (a voter may submit information up to 2 days following the election);
 - (b) an election judge;
 - (c) the SBE's statewide voter database;
 - (d) the records of the election authority; or
 - (e) SOS records.

The election authority must investigate whether each of the 5 above-cited forms of information is available. A record must be kept on which information was available.

If conflicting information exists, the election authority shall make the final determination as to whether the provisional ballot should be counted. If information equally supports or opposes an individual's registration status, the election authority shall decide in favor of the voter. The specific example provided in Public Act 93-574 is a conflict between the State Board of Election database and the election authority's database. If, for instance, the election authority's database indicates the voter is registered, but the State Board's database doesn't include the voter, the provisional ballot shall be tabulated. The opposite example also results in tabulation of the ballot.

A provisional voter cannot be required to complete any form other than the Provisional Voter's Affidavit, nor can a provisional voter be required to appear before the election authority. **Note:** If a provisional voter's affidavit shows an address change, the affidavit shall also serve as a change of address request.

Pursuant to state law, pollwatchers are entitled to be present at the validation and tabulation of provisional ballots.

“INVALID” PROVISIONAL BALLOTS

If the election authority determines that a provisional ballot is not to be counted, the envelope may not be opened and shall be marked “provisional ballot determined invalid”. The Provisional Voter’s Affidavit shall be processed as an application for registration.

“VALID” PROVISIONAL BALLOTS

If the election authority determines that the provisional ballot is valid, the ballot is then tabulated. The election authority shall add provisional ballot totals to the vote totals for the precincts from which they were cast in the order in which the ballots were opened.

NOTE: Results of provisional ballot determinations will be entered through the IVRS website and made available on the State Board of Elections website allowing the voter to discover whether their vote was counted, and if it was not counted, the reason why. Some election jurisdictions have chosen to utilize their own free access system for voters who cast a provisional ballot.

STORAGE OF PROVISIONAL BALLOTING MATERIALS

Following the final determination and counting of provisional ballots for each precinct, the following materials shall be placed in an envelope which shall be sealed, initialed and marked with the name of the precinct:

- 1) All provisional ballots;
- 2) All executed affidavits; and
- 3) All provisional ballot envelopes.

Each precinct’s sealed envelope containing all provisional materials shall be deposited into a box, secured, and sealed. The materials shall be retained for the period of time required by the Election Code and/or the federal retention period. For odd-year elections, materials must be kept for 60 days if no contest is pending. For even-year elections, the retention period is 22 months. [42 USC 1974-1974e]

CANVASSING

Public Act 94-647 abolishes local canvassing boards and provides that canvasses are to be conducted by the election authority. [10 ILCS 5/1-8]

All grace period ballots, early voting ballots, absentee ballots, and provisional ballots to be counted shall be delivered to and counted at an election authority's central ballot counting location and not in the precincts. [PA 94-1000, 10 ILCS 5/1-9]

County clerks and boards of election commissioners must complete the canvass of election results no later than the 21st calendar day following the election. The deadline to canvass is 7 days after the close of the 14-day period for counting provisional ballots.

Article 22 was amended to provide that county clerks and boards of election commissioners shall send precinct by precinct results to the SBE **via overnight mail** within 1 day following the canvass. The completed abstract of votes must also be forwarded to the SBE **via overnight mail delivery**.
[10 ILCS 5/22-5, 22-8, 22-15, 22-17]

The SBE must complete the final canvass no later than 31 days following the election unless such 31 day deadline conflicts with the date set by statute as the beginning of terms of judicial officers. If such a conflict exists, the canvass must be completed prior to the first Monday in December. [10 ILCS 5/22-7] **NOTE: The 31 day deadline is later than the date judges take office in 2006, 2008, 2012, 2014, 2016 and 2018.**

NOTE: Prior to the canvass, all election authorities shall conduct a re-tabulation of the ballots cast in 5% of their precincts within the election jurisdiction. These precincts are selected on a random basis by the SBE and notice of the selected precincts will be sent the day after the election. The election authority shall re-tabulate the total number of votes cast in the selected precincts. This re-tabulation shall consist of counting the ballots that were originally counted and shall not involve any determination of which ballots were, in fact, properly counted. Written notice of the time and place of the re-tabulation shall be given to the SBE, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations which may be represented at the test.

ACCESSIBILITY ISSUES / VOTERS WITH DISABILITIES

Improving accessibility for voters with disabilities is a key theme throughout the Help America Vote Act. In fact, the SBE had designated this activity of high importance and issued HAVA funds to achieve this goal. In return, the Illinois election authorities in the last four years have continually strived to improve accessibility in their polling places and have used a large portion of their federal grants for this purpose.

Illinois election authorities must continue to ensure that all polling places are fully accessible. They must try to accommodate all individuals with a full range of disabilities (including blindness, hearing impairments, gross and fine motor impairments, and emotional and intellectual impairments) when such individuals are exercising their right to vote. Illinois' polling places should be accessible in the following parts: the path of travel, entrances, exits, voting areas of each polling facility and voting equipment. The election authority must provide the same opportunity for access and participation (including privacy and independence) to individuals with disabilities that the non-disabled currently have. This requirement can be accomplished in the polling place by providing such items as pens and paper for the deaf, a magnifier for the visually impaired, voting booths to accommodate voters in wheelchairs, chairs for the people with balance problems, screens around the booths, and any item that makes marking and gripping easier etc. Sensitivity training to judges of election regarding the disabled community should also be considered. Illinois election authorities must give voters with disabilities information about the relative accessibility of polling places. This dissemination of information can be accomplished by publishing literature, providing fliers to assisted living centers, and/or listing on Internet websites.

Although HAVA addresses polling place accessibility, it does not provide a deadline indicating when or if all polling places must be accessible. Nevertheless, it is certainly implied through its various grant provisions that accessibility is one of the goals of the Act. Looking back, other laws had been passed to address similar concerns, and the SBE made its best efforts to ensure those laws were followed and enforced, as well. Recall that before HAVA, the Voting Accessibility for the Elderly and Handicapped Act [42 U.S.C. §1973ee, et seq.] was implemented in Illinois in both the Election Code, at 10 ILCS 5/11-4.2, and through the Board's own rules and regulations at 26 Ill. Admin. Code 209. Like HAVA, the Voting Accessibility for the Elderly and Handicapped Act was created to work in conjunction with the Voting Rights Act of 1965, 42 U.S.C. § 1973 et seq. Therefore, as it has in the past, the SBE will continue to work with Illinois election authorities to achieve 100% accessibility in all polling places. In fact, Illinois has received an additional \$457,121 from the federal Department of Health and Human Services for this purpose. These monies will be disbursed sometime next year.

An Abbreviated Accessibility Preparations Checklist

Prepared by the Election Center

Administrative Oversight

1. Have pertinent federal laws which affect accessibility been researched for an understanding of requirements? () Yes () No (Included are The Voting Rights Act, The Voting Accessibility for the Elderly and Handicapped Act, The National Voter Registration Act of 1993, The Americans with Disabilities Act of 1990, The Rehabilitation Act of 1993, and HAVA).
2. Have individual state requirements been addressed? () Yes () No
3. Have specific language requirements been identified? () Yes () No
4. Has staff received training and education on serving voters with special needs? () Yes () No
5. Have resources been identified for ordering special equipment to make polling places accessible? () Yes () No

Polling Place Accessibility

Polling Place Approach

People with disabilities should be able to approach and enter the polling place as freely as everyone else. At least one route of travel should be accessible for everyone, including people with disabilities.

Parking and Drop-Off Areas

The Americans with Disabilities Act requires that if parking is provided for non-disabled people, at least one accessible parking space be provided for every 25 regular parking spaces.

1. Does the parking area have spaces designated for disabilities? Yes () No ()
 - A. Number of accessible spaces required _____
 - B. Number of accessible spaces available _____
2. Are the access aisles part of the accessible route to the accessible entrance?() Yes () No
3. Are the accessible spaces closest to the polling area? () Yes () No
4. Are accessible spaces marked with the International Symbol of Accessibility? () Yes () No
5. Is the parking area paved? () Yes () No If it is not paved how will it be made compliant?
6. Are there notable bumps, cracks or potholes on the pavement that would make it difficult for someone with a disability to maneuver? () Yes () No

Route of Travel

1. Is there a route of travel that does not require the use of stairs?
() Yes () No
2. Is the route stable, firm and slip resistant? () Yes () No
3. Is the entrance route at least 36 inches wide, or if the route is an emergency escape route, is it 44 inches wide? () Yes () No
4. Can a person with a visual disability using a cane detect all objects protruding into the route? () Yes () No
5. Do curbs on the route have curb cuts at drives, parking and drop-offs?
() Yes () No

Ramps

1. Are there steps to enter the polling place? () Yes () No If so, are there ramps for persons with disabilities to access the entrance? () Yes () No
2. Are the slopes of ramps no greater than 1:12? () Yes () No
3. Do all ramps longer than 6 feet, or with a rise greater than 6 inches, have railings on both sides? () Yes () No
4. Is the ramp at least 36 inches wide? () Yes () No
5. Are the ramps non-slip? () Yes () No

Entrance to Polling Place and Polling Room

Entrance

1. If there are stairs at the main entrance with no ramp or lift, is there an alternative accessible entrance? () Yes () No
2. Do all inaccessible public entrances have signs indicating the location of the nearest accessible entrance? () Yes () No
3. Can the alternate entrance be used independently? () Yes () No
4. Does the entrance door have at least 32 inches clear opening?
() Yes () No
5. Is the threshold level (less than ¼ inch high) or beveled (up to ½ inch high)?
() Yes () No
6. Is there enough space before and after the door to allow for maneuvering space for voters in wheelchairs? () Yes () No
7. Is the door hardware located no higher than 48 inches from the floor so that someone can reach the knob or lever from a seated position? () Yes () No
8. Is the door handle operable with a closed fist? () Yes () No
9. Can exterior doors be opened without too much force (maximum 8.5 lbs)?
() Yes () No
10. If the door has a closer, does it take at least 3 seconds to close?
() Yes () No

Horizontal Circulation/Maneuverability within the Space

1. Does the accessible building provide direct access to the polling place?
() Yes () No
2. Does the interior accessible route of travel lead to the polling area?
() Yes () No
3. Is the interior accessible route to all polling areas at least 36 inches wide?
() Yes () No
4. Is the path of travel free from barriers, including removable mats and rugs?
() Yes () No

Interior Doors

1. Do interior doors have at least a 32 inch clear opening? () Yes () No
2. Do the doors exiting the polling place and polling rooms, if separate from the entrance, have at least a 32 inch clear opening? () Yes () No
3. On the pull side of the polling place doors, if separate from the entrance, are there at least 24 inches of clear wall space next to the handle so that a person using a wheelchair or crutches can get near to open the door?
() Yes () No
4. Can interior doors be opened without too much force (maximum 5 lbs on interior doors)? () Yes () No
5. Are interior door handles 48 inches high or less and operable with a closed fist? () Yes () No
6. Are all interior threshold levels (less than ¼ inch high) or beveled (up to 1.2 inch high)? () Yes () No

Signs

1. Are the signs designating path of travel and/or voting area understandable, visible, and easy to read? () Yes () No
2. Are magnifying glasses available? () Yes () No
3. Are there communication devices readily available (such as pen and paper) for hearing impaired and speech impaired voters? () Yes () No
4. Have you provided signature guides for the registration table?
() Yes () No

Voting Booth Entrance and Maneuverability

Polling Rooms and Voting Surfaces

1. Are all aisles and pathways in the polling room and to the voting booth at least 36 inches wide? () Yes () No
2. Is carpeting low-pile, tightly woven, and securely attached around the edges?
() Yes () No
3. Are all obstacles in routes within the polling room cane detectable?
() Yes () No

Seats, Tables and Counters/Voting Stations

1. Are the table or countertops of accessible voting surfaces at least 30 inches wide? () Yes () No
2. Do the voting booths/tables offer the same level of privacy to voters with disabilities as to all other voters? () Yes () No
3. Are there devices to aid individuals with a visual disability vote? e.g. magnifiers, audio units, Braille ballot sleeves. () Yes () No

Vertical Circulation: Split and Upper Levels

1. In order to access the polling area and/or the voting booths, must voters travel above ground level? () Yes () No
2. Are there ramps or elevators to all levels? () Yes () No
3. On each level, if there are stairs and/or elevators between the entrance and voting areas which must be used to access the polling room and/or voting area, is there an accessible route? () Yes () No

Stairs

1. In order to access your polling area, must voters travel above the first floor? () Yes () No
2. Do treads have a non-slip surface? () Yes () No

Elevators

1. Does the polling place use elevators in the path of travel to the voting area? () Yes () No
2. Are the call buttons in the hallway no higher than 42 inches? () Yes () No
3. Do the controls outside and inside the cab have raised Braille lettering? () Yes () No
4. Is the emergency intercom identified by Braille and raised letters? () Yes () No

Poll Workers

1. Have poll workers been given training or information on voters with disabilities? () Yes () No
Has there been sensitivity training? () Yes () No
2. Can the poll workers demonstrate and operate the available accessibility equipment (including accessibility features on the voting system itself) at the polling place for voters with disabilities? () Yes () No
3. Have poll workers been trained to serve voters with language needs? () Yes () No
What about illiterate voters? () Yes () No

Military/Overseas Voters Guidelines for Election Authorities

1. Who are the UOCAVA voters?

Anyone serving in the Uniformed Services and their spouse and dependants of voting age who reside with the Uniformed Service Member. Uniformed Service Member includes the U.S. Armed Forces, Merchant Marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmosphere Administration, serving away from his/her place of permanent residence. Also, U.S. Government employees serving outside the U.S are UOCAVA voters.

However, children born to military members who have reached the age of 18 but have never resided in Illinois are not eligible to vote in Illinois.

Illinois law requires that the voter had a previous address in Illinois immediately prior to going overseas and is not registered to vote in another state.

Illinois law allows military/overseas voters to register to vote and to apply for an absentee ballot at the same time.

The State Board of Elections website has a section specifically provided for Military and Overseas Voters: www.elections.il.gov/Voteinfo/Pages/Military.htm

2. May others apply for an absentee ballot for military/overseas voters at the local election authority's office?

Yes, Illinois law allows for a mother, father, sister, brother, husband or wife of the military/overseas voter to register that person in lieu of the official postcard. [10 ILCS 5/20-3] (Use SBE Form A-1)

3. What is the Federal Postcard Application (FPCA)?

The Federal Postcard Application (FPCA) form serves as both an application to register to vote and an application for an absentee ballot. The Card may be downloaded from the Federal Voting Assistance website at www.fvap.gov.

For U.S. citizens temporarily residing outside of the country

Upon receipt of such application, the election authority will mail an affidavit of registration in duplicate to the voter [10 ILCS 5/4-10, 5-9, 6-29].

4. Does the FPCA need to be notarized or the signature witnessed?

No

5. Do the military/overseas voters need to provide a valid photo identification or other documentation when applying to vote?

No. When registering by mail, UOCAVA citizens are exempt under Section 303 (b)(3)(C) of the Help America Vote Act, from the requirement to provide a copy of a valid photo identification or other documentation that shows the name and address of the voter.

6. Deadlines

Military voters may “make application for an absentee ballot... not less than 10 days before the election.” [20-2]

Citizens of the United States temporarily residing outside the territorial limits of the United States “may make simultaneous application for an absentee registration and an absentee ballot not less than 30 days before the election.” If the election authority “receives such application after 30 days, but not less than 10 days before a Federal election, the voter shall be sent a ballot containing the Federal offices only.” [20-2.1]

If a person is a registered Illinois resident temporarily residing outside the U.S., the local election official must receive the Federal Postcard Application (FPCA) not **later than 10 days** before the election. They will receive a ballot for local, state and Federal offices.

If a person is an overseas non-resident civilian citizen, otherwise qualified to vote in Illinois, they may make application to the election authority having jurisdiction over the precinct of former residence for an absentee ballot containing the Federal offices only. The application **must be received not less than 10 days** before a Federal Election.

7. When an unopened ballot or other mailings have been returned undeliverable, what is the next step?

According to the Federal Voting Assistance Program (FVAP), if after two failed mailings, mark the file accordingly and do not send additional requests unless another FPCA is sent from the voter.

8. If the military voter is already registered in the county, what is the correct procedure?

The FPCA would then be used as an absentee ballot request and would still be used through two federal general elections.

9. Can Election Officials mail absentee balloting materials to military/overseas voters without paying for postage?

Yes. Absentee balloting materials may be sent through the mail without prepayment of postage to enable eligible persons in the following categories to apply for registration and vote by absentee ballot when absent from their place of voting residence (please see 10 ILCS 5/20-5):

- Members of the Armed Forces in active service and their spouses and dependents.
- Members of the U.S. Merchant Marine and their spouses and dependents.
- U.S. citizens residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents residing with or accompanying them.

Postage must be prepaid on all other balloting materials. Balloting materials must be prepared in accordance with USPS [DMM 703.8.0](#).

The FVAP has envelope templates on the Local Election Official portion of their website. (www.fvap.gov)

**10. What if the military voter shows up at the polling place?
- What if military voter has already completed an absentee ballot?**

If the military voter goes to the polls on Election Day they would be eligible to vote just like any other voter, registered or not. If an absentee ballot has been requested, he/she would need to surrender that ballot. Additionally, he/she may sign an affidavit stating he/she never received the ballot or that if he/she did receive the ballot and completed it, were told by the election authority that they never received it.

11. What happens when the voter is no longer with the military and that voter is still within their two federal general election requirement?

1. The voter should contact the election authority to inform them (preferably in writing) that they no longer need to send an absentee ballot.
2. The person is eligible to vote absentee from overseas under UOCAVA regardless of whether they are in the military. If they choose to remain overseas after leaving the military, their rights should be unaffected as long as they retain citizenship and don't establish residency in another state.

12. What if the address on FPCA is within the state?

Our election code states "...who expects in the course of his duties to be absent from the county in which he resides on the day of the election..." this means you may send within the state and within the United States.

There is a discrepancy here. No one who is living within the country is eligible for UOCAVA. They do remain eligible for regular absentee voting, however.

13. What if the military voter requests to keep sending ballots after two year period?

Continue to send ballot request forms/ballots as long as the voter wishes to receive them.

14. What if a FPCA comes to the Election authority before the first day to accept applications for an absentee?

An election authority may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the FPCA) submitted by a UOCAVA voter on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications.

Upon receipt and approval of an FPCA from an UOCAVA citizen, the election authority shall provide the citizen with ballots for each subsequent election for Federal office in the State through the next two general elections for Federal office.

15. Should postcards other than FPCA be accepted?

Yes, the State Board of Elections and the FVAP encourages all local election officials to accept all similar FPCA ballot requests. (Links to other military/overseas foundations and their ballot request forms may be found at www.fvap.gov).

Election authorities shall process voter registration applications and absentee ballot requests from Uniformed Services and Overseas voters upon receipt. If the election authority rejects the application or ballot request, the election authority should use the most expedient means available to notify the voter of the reasons for rejection.

16. Should the clerk gather data on how many times a specific voter has changed addresses?

This is not a requirement of HAVA or NVRA.

17. Should all information also be sent to the address given in the state?

No.

18. Should domestic military ballots be tracked separately from the number of foreign military ballots?

This is not a requirement of HAVA or NVRA.

19. Special Write-in Absentee Voter's Blank Ballot

The SBE greatly encourages all local election authorities to mail military/overseas ballots in a most timely manner in accordance with 10 ILCS 5/16-5.01 and 10 ILCS 5/20-5. If a request is received and full ballots are not printed or, due to a court challenge, there is a delay in the printing of ballots, please mail the voter a Special Write-in Absentee Ballot. These ballots may be used only for general elections, not primaries.

The voter may also use a Federal Write-in Absentee Ballot if they feel the time is getting short and they have not received their full state ballot.

20. Faxes

Any member of the United States Armed Forces, while on active duty, otherwise qualified to vote, who expects to be absent from the county in which he/she resides, may make application for an absentee ballot to the election authority by a facsimile machine or electronic transmission not less than 10 days before the election. The election authority must then mail the ballot to the voter. [20-2.3]

Faxing a completed ballot back to the Election Authority is not allowed.

21. Is Internet voting allowed in Illinois?

Not at this time.

22. What if the voter uses the state mail-in voter registration form and not the FPCA; should the state form also qualify for the two federal general elections privilege?

To be safe, yes. Please include an application form with the absentee ballot; ask the voter to fill out the form and return with their voted ballot.

23. For a primary election, how do we handle FPCA's that do not have the box for party affiliation completed?

As we are a closed primary state, it is imperative that the voter declare his or her party affiliation. Some election authorities have sent a letter in January to those voters who have not completed box 5 on the FPCA. While this does add additional cost and work, we feel that every effort must be made to ensure that these citizens receive a chance to vote. If an e-mail address is provided, please e-mail the voter and ask for the party affiliation.

24. Some local election authorities provide a website for military/overseas voters to track their voter registration.

Some counties allow for a voter to check their registration status on the county's elections website. This allows a military /overseas voter to track the registration without having to write or call from a foreign location.

25. Trouble or uncertainty with information on the FPCA.

If you are having trouble of any kind and need to get in touch with the military member/voter, please contact Cris Cray at the SBE. The Department of Defense has given us direct contacts in each of the armed forces services that we may utilize to help locate military members.

Resources

The links listed below contain information on the election process:

The Election Center

<http://www.electioncenter.org/electionresources.html#helpful>

The Election Assistance Commission

<http://www.eac.gov/>

Illinois State Board of Elections

<http://www.elections.il.gov/>

Federal Election Commission

<http://www.fec.gov/>

U.S. Department of Defense Federal Voting Assistance Program

<http://www.fvap.gov/>

To help identify election jurisdictions for municipalities:

Illinois Secretary of State/Cyberdrive Illinois

http://www.cyberdriveillinois.com/publications/pdf_publications/ipub1122.pdf

United State Post Office Zip Code Lookup:

<http://zip4.usps.com/zip4/welcome.jsp>